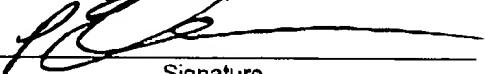


I hereby certify that this correspondence is being sent via facsimile 703-308-7722 to Examiner Hsien Ming Lee at the United States Patent and Trademark Office on

October 15, 2002  
Date of Facsimile

Paul E. Rauch, Ph.D., Registration No. 38,591

Name of Applicant, assignee or  
Registered Representative



Signature

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10/17/02  
VS

Our File No. 09799940-0101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Andrey V. Zagrebelny, et al. )  
Serial No. 09/944,234 ) Examiner Hsien Ming Lee  
Filing Date: August 31, 2001 ) Group Art Unit No. 2823  
For CMP PROCESS )

**RESTRICTION RESPONSE**

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TECHNOLOGY CENTER 2800

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Official Action of September 12, 2002, Applicants elect, with traverse, Group I, Claims 1-18 and 24-26.

**Restriction Response**

The Office has restricted the present application as follows:

Group I -- Claims 1-18 and 24-26, drawn to a method; and

Group II -- Claims 19-23, drawn to an apparatus.

**Applicants elect, with traverse, Group I, Claims 1-18 and 24-26.**

Restriction is only proper if the identified groups are independent or distinct. The burden is on the Office to provide reasons and/or examples to support its conclusion that the identified groups are independent or distinct. M.P.E.P. § 803.

Serial No. 09/944,234

The Office has characterized the relationship between Groups I and II as process and apparatus for its practice. Citing M.P.E.P. § 806.05(e), the Office has stated that "[I]n this case the process as claimed can be practiced by another materially different apparatus that does not require the claimed embedded code in a machine readable medium for determining polishing time." However, the Office has failed to describe or point out what this materially different apparatus is, nor has the Office explained how this other apparatus is materially different from the apparatus as claimed. Accordingly, Applicants submit that the Office has not met the burden necessary in order to sustain the Restriction Requirement. Withdrawal of this ground of rejection is respectfully requested.

Applicants submit the application is now ready for examination on the merits. Early notice of such action is respectfully requested.

Respectfully submitted,



Paul E. Rauch, Ph.D.  
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Attorney for Applicants

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